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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,401	12/10/2001	Dale K. Bell	60,130-1108/01MRA0212	4844

26096 7590 09/03/2003

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/016,401

Applicant(s)

BELL, DALE K.

Examiner

Julie K Smith

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-6, 8-11, 14-17 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al. (5,667,313) in view of Johnston et al. (5,129,495).

Regarding claims 1, 2, 4, 6 and 8-11, Kapaan et al. discloses a drive train assembly (see fig. 1) comprising a housing (14) having an aperture through a portion of said housing, a bearing cage (7) disposed in said aperture in engagement with said housing, said cage secured to said portion, said cage including an opening therethrough, a driven shaft (18) including a shaft portion disposed in said opening and a bearing assembly (2) supporting the shaft portion in said cage, said bearing assembly including an outer race (3) spaced from said housing. Reiter is silent as to protrusions on said outer race. However, Johnston et al. teaches a bearing assembly including an outer race (see fig. 3) with a plurality of protrusions radially extending therefrom received in a cage preventing rotation of said outer race relative to said cage.

Therefore, it would have been obvious to one of ordinary skill in the art to modify the bearing assembly of Reiter with the teachings of Johnston et al. to provide protrusions on the outside of a race, so as to provide securing means between the race and a cage to prevent rotation between the race and cage, thus reducing friction within the bearing assembly.

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Regarding claim 5, Kapaan et al. does not disclose the cage (7) being made of nylon, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the cage out of nylon as it would have been a matter of engineering design to choose nylon for its known friction reducing properties.

Regarding claims 14-17, Kapaan et al. discloses the driven shaft being an input shaft, output shaft, through shaft and axle shaft.

Regarding claims 21-24, Kapaan et al. discloses a flange (17,19) extending radially outwardly from said bearing cage (7) with a fastener (20) securing said flange to said portion. Kapaan et al. further discloses the bearing assembly including a plurality of rolling elements arranged between said outer race and an inner race, said cage arranged radially outward of said races, and a retainer locating said rolling elements circumferentially relative to one another.

3. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al. in view of Johnston et al. as applied to claims 1-2, 4-6, 8-11, 14-17 and 21-24 above, and further in view of Reiter (4,203,635). Kapaan et al. in view of Johnston et al. does not disclose the race structure, as claimed. However, Reiter teaches a unitized bearing assembly including spaced apart inner races (42,44) each supporting a set of rolling bearing elements (46) and a common outer race (40) supporting both sets of rolling bearing elements.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the race structure of the reference combination set forth above with the teachings of Reiter to provide spaced apart inner races and a common outer race in order to reduce complexity and number of parts, while providing ease of manufacturing and assembly.

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4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al. in view of Johnston et al. as applied to claims 1-2, 4-6, 8-11, 14-17 and 21-24 above, and further in view of Takemura et al. (2001/0017174).

Regarding claim 7, Kapaan et al. discloses a bearing assembly having a cage, but does not disclose a cage constructed from a metal matrix. However, Takemura et al. teaches bearing parts being made of aluminum and silicon carbide. Although Takemura does not teach a cage being made of a metal matrix of aluminum and silicon carbide, he does teach other bearing parts being constructed with said metal matrix.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cage of Kapaan et al. with the teachings of Takemura et al. to construct a bearing cage out of aluminum and silicon carbide so that the cage can withstand the high temperatures and high vibrations produced by a drivetrain assembly.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kapaan et al. in view of Johnston et al. as applied to claims 1-2, 4-6, 8-11, 14-17 and 21-24 above, and further in view of Nippon (JP 11247848).

Regarding claim 13, Kapaan et al. does not disclose the driven shaft being a pinion shaft. However, Nippon (JP 11247848) teaches a driven shaft being a pinion shaft (see fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the assembly of Kapaan et al. with the teachings of Nippon as it is old and well known in the art to use bearing assemblies on pinion shafts.

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***Response to Arguments***

6. Applicant's arguments, see response, filed 7/2/03, with respect to the rejection(s) of claim(s) 1-6, 8-12, 14-17 and 21-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kapaan et al.


***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKP  
jks  
August 28, 2003

  
DAVID A. BUCCI  
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